States Aim To Improve Voter Turnout

Mother Nature’s wet one-two punch this month could not have come at a worse time for Hawaii. A pair of hurricanes spared the archipelago from major damage but dumped heavy rain and disrupted power on days leading up to and following the Aug. 9 primary election that continued the state’s trend of low voter turnout.

Storm damage forced Hawaii elections officials to postpone in-person voting at two precincts, which delayed the final tally of a close race for the U.S. Senate nomination. State results show 41 percent of registered voters cast ballots in Hawaii’s primary election. The Aloha State ranked last in turnout for the 2012 presidential election.

Hawaii legislators hoping to increase turnout recently passed measures that will allow a person to register online to vote and someone to register in-person and vote on the same day at a polling place. Soon those polling places will be equipped with electronic poll books that can ease the check-in and verification of registered voters.

For Hawaii Representative Kaniela Ing (D), both new policies are part of a holistic approach of using technology to lift the state out of last place for voter turnout. He sponsored the law enacted this year that will enable same-day registration. It will take effect in 2016 for early vote centers and will be implemented in 2018 at Election Day polling places.

“We are still using a decades-old system based on technological limitations that no longer exist,” he said, describing paper poll books. “I thought we needed to get rid of that arbitrary registration deadline and, simultaneously, modernize our voting system.”

Wisconsin Senator Mary Lazich (R) believes the way to robust voter turnout is to make people feel confident in a clean elections process. She has been re-energized by a state Supreme Court ruling last month that found a strict voter ID law legislators enacted in 2011 is constitutional. In a separate case, a federal appeals court must still weigh in on the law that was struck down in April by a federal judge. Lazich is hoping the requirements are implemented soon to ensure that fraud does not impact elections in Wisconsin.

The measures championed by Ing and Lazich are examples of several election administration policies lawmakers in various states have passed in their efforts to stoke voter turnout.

But can turnout be significantly shaped by registering people at the polls, allowing online voter registration, lengthening the pre-Election Day period, leaning on all-mail elections, requiring voters to have a photo ID, or any other policies lawmakers can consider?

(continues on page 2)
Research shows that it is difficult to significantly and consistently move the needle on turnout. Increasing voter turnout is complicated by a mix of factors that range from political polarization and the frequency of elections to conditions outside the influence of state law or the election process, such as Election Day weather or the kinds of citizens initiatives and ballot measures that spark interest.

Still, legislators continue to seek out measures that may increase the number of citizens who participate in elections and NCSL provides this analysis of some policies that can affect turnout. But first, here is a quick look at turnout in the United States.

**Turnout in the United States**

Presidential elections typically draw between 55-65 percent of eligible voters, while mid-term elections see turnout in the low-40s percentage range, according to Michael McDonald, a University of Florida professor who runs the United States Elections Project. Minnesota at 76.1 percent had the highest turnout during the 2012 presidential contest. Turnout in the United States often lags behind voter participation in other countries. McDonald said part of that is due to a busy elections calendar in many states.

“We are voting in local elections, we are voting in primary elections, we are voting in federal and state elections, and sometimes those elections are on the same calendar and sometimes they are not,” he said. “We just demand a lot more attention from our voters than some of these other countries.”

And, some other countries, such as Australia and Belgium aren’t really comparable. Their high turnout is based on compulsory voting in which a person who does not cast a ballot is fined or punished.

**Same-Day Registration**

Ten states plus the District of Columbia allow a person to register at the polling place or elections office and vote on the same day. Of the various elections administration policies, researchers contend same-day registration has the most impact on increasing voter turnout. Some researchers maintain that states with same-day registration have an average turnout rate 10 percentage points higher than states without the provision. Proof of residency and some form of identification are required in all of the states that allow same-day registration. Some states also include confirming, through the use of an electronic poll book, that a person has not already registered and voted at another polling place. States have used mailings sent to the residence of a person who registered and voted at the polls to confirm he or she participated in the election.

Utah Representative Rebecca Chavez-Houck (D) said she considered increasing turnout as part of the initial thrust behind the bill she sponsored this legislative session that allows counties to opt-in to a same-day registration pilot program.

The program is being used by several counties during Utah’s elections this year.

She said her colleagues in the Republican-led legislature liked that same-day registration can be used as a fail-safe to ensure a qualified voter is not kept from participating in an election.

**Early, Absentee and Mail Voting**

Providing people with alternatives to Election Day voting through early in-person voting, absentee voting and vote-by-mail elections has a small but statistically significant impact on turnout, the 2008 report, Convenience Voting, found. The report maintained these measures could boost turnout by an estimated 2-4 percent.

Although these “Pre-Election Day” voting options increase convenience, they also prompt concerns about the possibility for voter fraud when a person is casting a ballot away from a polling place.

In terms of voter turnout, McDonald points out that vote-by-mail elections often increase turnout during local and smaller elections but not during larger elections. These contests can become lost in the shuffle without marquee top-of-the-ticket races or a statewide ballot measure attracting robust voter participation. Oregon and Washington, which have had all-mail elections for all contests 14 years and four years respectively, have some of the nation’s highest voter turnout rates. Oregon reported that about 82.8 percent of registered voters cast a ballot in the 2012 general election, while Washington had a turnout rate of 81.2 percent for the same election. By McDonald’s measurement of the voting-eligible population, Oregon had a turnout rate of 64.3 percent and Washington saw a rate of 65 percent during the 2012 general election.

Both states enjoyed strong turnout before all-mail elections became law. Additionally, research published in 2001 showed that vote-by-mail failed to expand the electorate beyond wealthy and well-educated voters.

**Online Voter Registration**

Allowing a person to register online to vote is not generally touted as a way to increase turnout, and yet in at least two cases — California and Hawaii — that has been the hope. In California, where online voter registration was implemented in 2012, no immediate uptick in registration has been reported and therefore no measurable effect on turnout has been noted. Expanding California’s Electorate, a January 2014 report by the Public Policy Institute of California, maintains that the number of new voter registrations filed after online voter registration was implemented is similar to past tallies.
States Aim To Improve Voter Turnout

Lazich points out that voter ID laws enjoy strong support from the public and help instill a sense of security that people who are qualified to participate in casting a ballot are doing so correctly. She said voters want an assurance that their state’s elections process is proper. Requiring a voter to have photo ID raises the confidence that an election was decided fairly, she said.

Final Thoughts

Policy will continue to change to meet the needs of voters and address the process by which elections are administered. McDonald believes legislators should keep that focus in mind and refrain from considering voter participation through a political lens.

“Turnout, instead, should have us ask, ‘how can we better serve our voters; how can we improve the voting experience for people,’” McDonald said.

– Michael D. Hernandez

How Turnout Gets Measured

Turnout measures the number of ballots cast in an election against one of three denominators:

- Voting-age population, which focuses on the number of people 18 and older residing in the United States who cast a ballot in an election. The U.S. Census measures turnout by voting-age population. Critics of this measurement contend this approach is not precise because it does not take into account people who are ineligible to vote such as felons and noncitizens and it leaves out Americans who are overseas.

- Voting-eligible population. This approach offers a more precise measure of turnout as it focuses on the casting of ballots by people able to vote. The measure is used by many academic researchers, members of the media and policymakers. Data using voting-eligible population has helped to dispel the notion that turnout has waned in recent decades.

- Registered voters who participated in an election. The U.S. Election Assistance Commission tallies participation by using state-provided data on registered voters but these figures draw concerns that some of the data is stale and do not take into account voters who have moved away from a jurisdiction where they are still counted.

How Turnout Gets Measured

The Voting Information Project, a partnership between The Pew Charitable Trusts, Google and elections officials, gives users a conduit to find information about the elections in which they can participate.

Turnout can increase when voters know in which races to vote, where they should cast their ballots and what to bring to the polls. The project grew out of a Pew report that found voters often did not have adequate access to election information.

Lazich said get-out-the-vote campaigns by political parties can have a big impact on turnout, too.

“I can’t think of anywhere in Wisconsin where people are not getting calls to come out and vote,” she said. “When there is an election, people know it.”

Whether a ballot includes an interesting race or significant ballot measure also matters. Research has shown that the ballot initiative process can have a positive effect in increasing voter turnout.

Turnout also can be affected by the convenience of vote centers, which take the place of traditional neighborhood precincts by allowing voters from any part of a jurisdiction to cast a ballot.

Nine states now either permit jurisdictions to replace precincts with vote centers, or have authorized vote center pilot projects in selected jurisdictions. Such vote centers can reduce the confusion of learning which specific polling place will serve an infrequent voter, Bob Stein contends in his report, Engaging the Unengaged Voter: Vote Centers and Voter Turnout.

Voter ID’s Impact

Opponents contend that strict voter ID requirements can negatively affect turnout. And yet, research on this issue has been limited as some states have only recently implemented new requirements.

Ing likes that online voter registration provides more access for younger people to participate in elections but he said that same-day registration encourages a newly registered voter to take action on the spot.

Ing said a newly registered voter does not guarantee he or she will vote.

“Hawaii’s nonprofits and community groups have done a great job in registering people to vote but it’s a two-step process,” he said. “It’s one thing to register someone to vote and another to get them to vote.”

Other Measures and Factors

If voters can connect with accurate election information, such as where and when to vote, they’re more likely to turn up. Websites for state and local election officials, and many apps, social media tools and online services can provide this service.

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The Value Of Recounts

This year’s razor-thin election margins in California, Hawaii and Tennessee are bringing fresh attention to state recount laws.

California Assemblyman Kevin Mullin (D) this month introduced legislation that would create a trigger that would prompt an automatic state-funded, statewide recount for a close race.

The proposed measure is a response to the high-profile primary race for the state’s controller, which saw just 481 votes separate the second-place and third-place candidates among more than 4 million ballots cast, a challenge of the election’s results, a candidate-initiated recount of 15 counties that was abandoned and calls for reform of California’s recount laws.

Each state handles recounts differently. Some don’t offer a recount process at all, leaving a losing candidate to seek a court’s help to contest race results.

Twenty states and the District of Columbia have laws for automatic recounts, which are triggered when there is a close margin between the top two vote getters in a race.

This margin can range between 0.1 percent and 1 percent of total votes cast in a race, with the average margin set at 0.4 percent said Mark Halvorson, founder and former executive director of Citizens for Election Integrity Minnesota, a nonprofit that advocates for transparent, verifiable and accurate elections. He said a recount can offer a valuable and unflinching view of an elections system.

“The best way to be prepared for a recount is to go through one,” Halvorson said, adding that the process of recounting ballots can identify where a state’s elections law could use some tweaking.

Still, a state does not always have to experience the process of recounting ballots or work through a tangle of litigation to sharpen its laws for recounts.

The nonprofit earlier this year published Recount Principles and Best Practices.

Halvorson said legislators can consider where to set the margin of victory that triggers a recount; how to ensure a balance between the burden on elections officials and voter confidence that the initial outcome was correct; and the costs of a recount.

Although statewide recounts are rare, they often draw a great deal of attention. A report by FairVote showed that of the 2,884 statewide elections between 2000-2009, there were 18 statewide recounts and only 11 of those were deemed consequential.

As for costs, a 2010 report by The Pew Charitable Trusts compared the price of Washington’s 2004 gubernatorial recount and the 2008 recount that determined Minnesota’s U.S. Senator. The report found that Washington’s recount cost counties about $1.16 million and Minnesota’s recount cost counties about $460,000. Both states had roughly similar turnout figures but Washington’s election laws required counties to run through two recounts. Washington’s laws also placed responsibility for conducting a recount with its counties while Minnesota’s law placed that responsibility with the secretary of state’s office.

Despite state law variations, Halvorson said successful recounts share a common trait.

“A properly-conducted recount will convince as many people as possible that the correct person won and help to improve election administration,” he said.

– Michael D. Hernandez
Massachusetts Senator Barry Finegold (D) is chair of the Joint Committee on Election Laws. He represents Andover. This legislative session, Massachusetts enacted a bill that creates an early voting period, allows online voter registration and provides pre-registration to teens ages 16 and 17. The Canvass spoke to Finegold on July 31.

Excerpts:

- “To me, (elections policy is) about can we make it as easy and as transparent as possible to get as many people to participate in the process. What we have here in the United States is something that you should never take for granted.”
- “I think (the legislation) really got Massachusetts in the forefront of election law reform and it was just a great bipartisan effort.”
- “The biggest challenge was just trying to convince town clerks and city clerks that the change is going to be OK. That was the challenge: making sure that the people who run elections thought this was going to be manageable and doable.”

Read the full interview with Finegold.

Barbara Agnew is the elections administrator for Burnet County, Texas. The community in Texas’ Hill Country, northwest of Austin, has 27,000 registered voters. The Canvass spoke to Agnew on Aug. 7.

Excerpts:

- “Texas recently implemented a new law requiring voters to have photo ID and it was important to me and my staff (during the early voting period) to see how that was actually going to play out in a polling location … we could see where there were little gaps and some clarifications that needed to be made between then and Election Day.”
- “The most complicated part of any election for us is knowing our jurisdictions and how they overlap in the county and using that information to program ballots that are going to serve the needs of the voters, then making sure each voter receives the correct ballot style.”
- “There are many benefits of (electronic) poll books but a main benefit is that you are no longer having to hand-write information on a paper form and having to make sure that you can read the handwriting.”

Read the full interview with Agnew.

357,000. That’s how many people registered to vote through a two-year-old nonpartisan voter outreach campaign that is part of National Voter Registration Day. September 23 has been designated as this year’s National Voter Registration Day by the National Association of Secretaries of State. The date falls ahead of the voter registration deadlines for 48 states and the District of Columbia. To date, 1,000 organizations and 10,000 volunteers have helped to register eligible voters and to remind voters to update their registration information.

Every state except North Dakota requires registration to vote. Twenty states offer online voter registration, while 45 states and the District of Columbia allow voters to verify their registration status online. The association has information about state voter registration options and deadlines at www.CanIVote.org.

Worth Noting

- President Obama intends to nominate Matthew Masterson and Christy McCormick to serve on the U.S. Election Assistance Commission, which serves as the national clearinghouse of information on election administration and helps states meet voting guidelines. Masterson is deputy chief of staff and chief information officer for the Ohio secretary of State. McCormick is a senior trial attorney in the voting section of the U.S. Department of Justice. Both would serve as Republican nominations for the commission. Last year, two Democrats were nominated to serve on the commission. All four commissioner positions are vacant. In April, the nominations of the two Democrats were reported out of a Senate committee and could be scheduled for a possible full vote by the Senate.

- November’s ballots will include well over 100 statewide ballot measures. Not surprisingly, marijuana, money and gambling are well represented; labeling for foods with genetically modified organisms and Top Two primaries are being voted on as well. To see this year’s ballot measures, and the results for past ballot measures, see NCSL’s Ballot Measures Database.

- The polling place experience cannot be preserved for prosperity. Wisconsin’s Government Accountability Board ruled this month as the panel kept in place a prohibition on photo and video cameras at election sites. There had been a challenge of the longtime ban on cameras at polling places with some election observers asking for an experiment to see if photography and videotaping could be used responsibly. The ruling could help curtail the growing trend of voters taking “selfies” or self-portraits of their experiences in the poll booth and posting the photo online. English authorities this year had to issue warnings about the trend. There is no word yet if “photobombing” has become an issue at polling places.

- Iowa’s Democratic Party has proposed a system in which members of the military could participate in the 2016 Democratic caucuses by phone. The “tele-caucus” would use voice conferencing as a virtual town hall gathering. The party said it will work with the U.S. Department of Defense to create the system.

- All 61 registered voters in Montezuma, Colo., are being sued by the mountain town in an effort to sort out an error-laden election that included mismatched ballots that had to be patched together by a sewing machine. The lawsuit asks a judge to command the voters to appear in court to help untangle the results of the town election for mayor and town board, which was held on April Fool’s Day. At issue is whether all of the voters and candidates in the contest were residents and qualified to participate.

- Los Angeles County and Texas’ Travis County are separately developing next-generation systems of voting machines. The projects are unfolding as many jurisdictions are struggling to maintain and keep operating voting machines purchased in the wake of the 2000 presidential election.

- Election U.S. Election Assistance Commission issued four new quick start guides that provide tips for effective election management. The guides focus on better management of the voting process, employing effective poll workers, strengthening voter education programs and making good use of election data.

- The Florida College System has partnered with nonprofit TurboVote to promote civic engagement and provide a voter registration service to students. The online tool available to the public also provides users with text and email reminders about registration deadlines and upcoming election dates.

From NCSL’s Elections Team

We are excited elections policy is getting a good share of the spotlight at NCSL’s Legislative Summit and we hope you are able to join us for some of those sessions, Aug. 19-22 in Minneapolis. If you miss some of our discussions, which include a session on voter ID and another about the U.S. Supreme Court’s 2013 decision on the Voting Rights Act, take heart. We’ll be blogging about some of the panels and will include in the next edition of The Canvass highlights of the summit’s offerings on elections policy.

As always, thanks for reading.

Wendy Underhill and Michael D. Hernandez